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BY ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Ervin Rivera v. Metropolitan Transit Authority et al., 23 Civ. 5353 (MKV) (BCM)

Dear Judge Vyskocil:

I represent defendants in the above-referenced action and write on behalf of all parties to request a brief adjournment of the Initial Pretrial Conference in this matter, currently scheduled for October 25, 2023 at 2 p.m., in light of the parties' upcoming mediation session. The parties also request that the Court deem their participation in that mediation session to satisfy the requirement that counsel meet face-to-face for at least one hour to discuss the possibility of settlement in advance of the Initial Pretrial Conference.


The parties have scheduled a mediation conference in this action on October 30, 2023 through the Southern District of New York Mediation Program. *See* Oct. 6, 2023 ECF Entry. The parties respectfully request the opportunity to reach a resolution of this matter during that mediation session before preparing for and attending the Initial Pretrial Conference. Likewise, the parties seek the Court's approval to consider their participation in the October 30 mediation session to satisfy the requirement that counsel meet face-to-face for at least one hour to discuss the possibility of settlement in advance of the Initial Pretrial Conference.

In the event that the parties do not resolve this matter during the October 30, 2023 mediation session, counsel would be available to attend an Initial Pretrial Conference on a rescheduled date convenient for the Court on or after November 20, 2023.

Thank you in advance for your consideration of these joint requests.

GRANTED. The initial pre-trial conference is adjourned to November 28, 2023 at 11:00 AM in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York. SO ORDERED.

Date: 10/10/2023
New York, New York


Mary Kay Vyskocil
United States District Judge

Respectfully submitted,

s/ Jennifer A. Mustes

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